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Eleventh annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

Summary

In its eleventh annual report, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment surveys the work undertaken during 2017.

Following a brief introduction, in section II the SPT provides an update on developments relating to the system of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including visits, the increase in States parties and in designated national preventive mechanisms, and details concerning the operation of the Special Fund established under the Optional Protocol.

In section III, the SPT highlights areas of cooperation between the SPT and other international and regional bodies and civil society, and summarizes the work that they have undertaken together.

In section IV, the Subcommittee provides substantive information concerning developments in its working practices, including preliminary thoughts on a range of substantive and procedural issues.

In section V, the Subcommittee reflects on the year under review, on the compliance of States parties with their obligations under article 17 of the Optional Protocol and on its plan of work.

* The present document was submitted after the deadline in order to reflect the most recent information.

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I. Introduction

1. Article 16 (3) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides that the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment shall present a public annual report on its activities to the Committee against Torture. Pursuant to that provision, the eleventh annual report, covering the Subcommittee's activities from 1 January to 31 December 2017, was considered and adopted by the Subcommittee at its thirty-fourth session, and is being submitted to the Committee against Torture at its sixty-third session.

II. Year in review

A. Participation in the system of the Optional Protocol

2. As at 31 December 2017, 87 States were party to the Optional Protocol and 14 States were signatories. In 2017, four States ratified or acceded to the Optional Protocol: Australia (21 December 2017), Madagascar (21 September 2017), Sri Lanka (5 December 2017) and State of Palestine (29 December 2017).

- The pattern of regional participation was as follows:

African States	22
Asia-Pacific States	11
Eastern European States	19
Latin American and Caribbean States	15
Western European and other States	20

- The regional breakdown of the 14 signatory States was as follows:

African States	9
Asia-Pacific States	1
Eastern European States	0
Latin American and Caribbean States	1
Western European and other States	3

B. Organizational and membership issues

3. During the reporting period, the Subcommittee held three one-week sessions in Geneva: the thirty-first session (12–17 February), the thirty-second (12–16 June) and the thirty-third (13–17 November).

4. In accordance with rule 9 of the rules of procedure of the Subcommittee, the seven newly elected members of the Subcommittee, Satyabhooshun Gupt Domah, María Dolores Gómez, Kosta Mitrovic, Abdallah Ounnir, Zdenka Perovic and Haimoud Ramdan, assumed their duties as members upon taking their solemn oath at the thirty-first session.

5. Also at the thirty-first session, the Subcommittee re-elected Sir Malcolm Evans as its Chair and elected the following members as Vice-Chairs and members of the Bureau: Lorena González Pinto (Vice-Chair for visits), Aisha Shujune Muhammad (jurisprudence and Subcommittee Rapporteur), Nora Sveaass (Vice-Chair for external relations) and Victor Zaharia (Vice-Chair for national preventive mechanisms). The Subcommittee designated Satyabhooshun Gupt Domah as Rapporteur for reprisals for a term of two years.

6. In the light of the election of seven new members, the Subcommittee decided to restructure the membership of its regional teams and to restructure and reorganize the composition of its working groups.

7. The heads of the regional teams were revised as follows: Africa, Hans-Jörg Bannwart; Asia and the Pacific, June Caridad Pagaduan Lopez; Europe, Mari Amos; and Latin America, Felipe Villavicencio Terreros. The regional teams examine the implementation of the Optional Protocol within their region, reporting to the Subcommittee in plenary, with recommendations as appropriate.

8. The Subcommittee's permanent and ad hoc working groups met at each session during 2017. Further information on the meetings is provided in section IV below. Meeting in subgroups and working groups facilitates discussion of a broad range of issues in a focused and participatory fashion.

9. At its thirty-first session, the Subcommittee was briefed by the Association for the Prevention of Torture on the results of the study entitled "Does torture prevention work?" The Subcommittee held an induction meeting for newly elected members and a workshop facilitated by the International Committee of the Red Cross on planning visits and interviewing detainees. The Subcommittee also received an update on the latest developments relating to the Convention against Torture Initiative from the representatives of Chile and Denmark.

10. At its thirty-second session, the Omega Research Foundation presented its research on monitoring weapons and restraints in places of detention to the plenary.

11. At its thirty-third session, the Subcommittee held an informal meeting with the States parties and signatories to the Optional Protocol. The meeting was attended by members of the Permanent Missions of Argentina, Australia, Brazil, Bulgaria, Chile, Cyprus, Czechia, Finland, France, Georgia, Ireland, Maldives, Malta, Mexico, Norway, Peru, Portugal, Rwanda, Slovenia, Spain, Switzerland, Tunisia, Turkey, Uruguay and the Bolivarian Republic of Venezuela.

12. At its thirty-third session, the Subcommittee held a joint meeting, in camera, with the Committee against Torture in order to discuss a range of matters of mutual interest, including issues concerning the application of article 16 (4) of the Optional Protocol.

C. Visits conducted during the reporting period

13. The Subcommittee undertook 10 official visits in 2017, in accordance with its mandate under articles 11–13 of the Optional Protocol, to the Niger (29 January–4 February), Hungary (20–31 March), the former Yugoslav Republic of Macedonia (23–29 April), the Plurinational State of Bolivia (1–12 May), Panama (20–26 August), Mongolia (11–20 September), Spain (15–26 October), Morocco (22–28 October), Rwanda (planned from 15 to 21 October but suspended on 19 October, see para. 15 below) and Burkina Faso (3–9 December).

14. Further factual information is available in the press releases issued following each visit. Reports transmitted to a State party following a visit remain confidential until such time as the State party in question requests that it be made public.

15. In accordance with its statement on the obligations of States parties to facilitate the visits of the Subcommittee (CAT/OP/24/1), the Subcommittee suspended its visit to Rwanda on 19 October owing to difficulties in effectively exercising its visiting mandate in accordance with the provisions of the Optional Protocol. That was only the third time in 10 years of work that the Subcommittee found it necessary to suspend a mission.

16. At its thirty-second session, the Subcommittee decided to enhance its post-visit dialogues with States parties and national preventive mechanisms by undertaking in situ discussions in Italy (12 December 2017) and the Republic of Moldova (18–19 December 2017). Those meetings were supported by the treaty body capacity-building programme under the Human Rights Council and Treaty Mechanisms Division.

D. Dialogue arising from visits, including publication of the Subcommittee's reports by States parties and national preventive mechanisms

17. The substantive aspects of the dialogue arising from visits are confidential. Reports are made public only with the consent of the recipient. By the end of 2017, the Subcommittee had transmitted a total of 65 visit reports to States parties and national preventive mechanisms, including 14 within the reporting period to: Bolivia (Plurinational State of), Cyprus (State party and national preventive mechanism), Hungary (national preventive mechanism), Kazakhstan, Mexico, Mozambique (State party and national preventive mechanism), Niger, Panama, Romania, Tunisia (State party and national preventive mechanism) and Ukraine. A total of 34 visit reports have been made public following requests from States parties or national preventive mechanisms under article 16 (2) of the Optional Protocol, including 5 in 2017, namely, the reports addressed to the State party arising from the visits of the Subcommittee to Cyprus (State party), Romania, Togo, Tunisia (national preventive mechanism) and Ukraine and the report addressed to the national preventive mechanism of Tunisia. While fully respecting the principle and right of confidentiality provided for in the Optional Protocol, the Subcommittee welcomes the increasing number of visit reports that are being published, believing that this reflects the spirit of transparency on which preventive visiting is based and facilitates better implementation of the respective recommendations. The Subcommittee encourages the recipients of reports to request their publication.

18. In conformity with established practice, the recipients of reports are requested to submit a written reply within six months of their transmission, giving a full account of the action taken and that will be taken to implement the recommendations contained in the reports. During the reporting period the Subcommittee received such replies from the Plurinational State of Bolivia, Cyprus, Kazakhstan, Peru, the Republic of Moldova, Romania, Togo and Ukraine. The Subcommittee considers the replies from the following States parties to be overdue: Benin, Brazil, Cambodia (two reports), Ecuador, Guatemala, Honduras, Liberia, Maldives (two reports), Mali, Malta, Nauru, Nigeria, Senegal and Turkey. It considers the replies from the national preventive mechanisms of the following States parties to be overdue: Ecuador, Honduras, Netherlands and Republic of Moldova.

19. During the reporting period the Subcommittee held advance preparatory meetings with each of the States parties scheduled for a visit and, in accordance with established practice, invited each State party it visited to meet with it at the subsequent session in order to discuss how best to advance the post-visit dialogue.

E. Developments concerning national preventive mechanisms

20. The Subcommittee has continued to engage in dialogue with States parties and signatories at its sessions concerning the designation or functioning of their national preventive mechanisms. At its thirty-first, thirty-second and thirty-third sessions, it held meetings with representatives of the Permanent Missions of Argentina, Belgium, Benin, Bosnia and Herzegovina, Gabon, Greece, Iceland, Mongolia, Morocco, Switzerland and Tunisia, and met with the delegation from Guatemala. During its sessions, the Subcommittee also held teleconferences with the authorities of the Plurinational State of Bolivia, Cambodia and Guatemala.

21. At the thirty-third session, the Subcommittee held an informal meeting with States parties and signatories to the Optional Protocol, during which States parties were updated on the recent activities of the Subcommittee, discussed the working methods of the Subcommittee, its resources and the Special Fund established under the Optional Protocol, and considered the future direction of its work.

22. The Subcommittee established and maintained direct contact with national preventive mechanisms, in accordance with its mandate under article 11 (b) (ii) of the Optional Protocol. During its sessions, the Subcommittee met or held videoconferences

with the national preventive mechanisms of Estonia, Finland, Italy, Lithuania, Maldives, Peru and Tunisia.

23. The Subcommittee and its members have continued to receive invitations to attend numerous national, regional and international meetings on the designation, establishment and development of national preventive mechanisms in particular and on the Optional Protocol in general. The Subcommittee is grateful to the organizers of those and all other events to which it has been invited. It regrets that its participation must remain conditional on the financial support of others, as it has no budget allocation with which to fund its members' attendance.

F. Substantial non-compliance with article 17

24. At its twenty-seventh session the Subcommittee decided to identify those States parties whose establishment of their national preventive mechanism was substantially overdue and to record them on a list, available on the Subcommittee's website.[1] The list will continue to be revised at each session of the Subcommittee, and States parties will be removed from the list once the threshold for such removal is met, namely, that the Subcommittee has received: (a) notification of the official designation of the national preventive mechanism and (b) copies of the documentation providing for its establishment and effective functioning. As at 31 December 2017, 14 States parties were listed: Argentina, Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, Cambodia, Chile, Democratic Republic of the Congo, Gabon, Liberia, Nauru, Nigeria, Panama and Philippines. This remains a matter of great concern to the Subcommittee, particularly since some States parties still appear to be making little progress towards fulfilling their obligations.

25. In accordance with its mandate under article 11 (b) (i) of the Optional Protocol, and in order to assist them in fulfilling their article 17 obligations, the Subcommittee invited all those States included on the list to a plenary meeting of the Subcommittee during its thirty-second session, and provided an additional opportunity to meet with the respective country rapporteurs. The Permanent Representatives of the following countries attended the meeting: Argentina, Benin, Burkina Faso, Burundi, Cambodia, Chile, Gabon, Lebanon and Panama.

G. Special Fund established under the Optional Protocol

26. Support provided through the Special Fund established under article 26 (1) of the Optional Protocol is directed towards projects aimed at establishing or strengthening national preventive mechanisms, thereby contributing to the implementation of the relevant Subcommittee recommendations made following a visit to a State party. In 2017, grants amounting to $273,096 were awarded through the Fund to support 11 torture prevention projects in nine States parties during their implementation in 2018. The Subcommittee has assisted in the assessment of project proposals and recommendations for grants.

27. The Subcommittee greatly appreciates the contributions to the Fund received in the reporting period from Czechia ($9,164), Germany ($139,040) and Spain ($41,274). Nevertheless, it remains concerned that the Fund is still significantly short of resources and further contributions will be necessary in order to support projects during the 2018–2019 grant cycle and beyond. The Subcommittee believes that the Fund provides an essential tool for supporting and complementing the implementation of Subcommittee recommendations aimed at the prevention of torture and ill-treatment, and urges States to continue to support the Fund financially. The Subcommittee would like to thank the Permanent Mission of Czechia for its generosity in hosting an event in support of the Special Fund during the thirty-third session of the Subcommittee.

[1] See www.ohchr.org/EN/HRBodies/OPCAT/Pages/Article17.aspx.

III. Engagement with other bodies in the field of torture prevention

A. International cooperation

1. Cooperation with other United Nations bodies

28. The Chair of the Subcommittee discussed the tenth annual report of the Subcommittee (CAT/C/60/3) to the Committee against Torture on 5 May 2017 at the plenary meeting of the Committee. The Subcommittee and the Committee met jointly in Geneva on 16 November 2017 to discuss a range of issues of mutual interest.

29. In conformity with General Assembly resolution 70/146 and together with the Chair of the Committee against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Chair of the Subcommittee presented the tenth annual report to the General Assembly at its seventy-second session.

30. Continuing the involvement of the Subcommittee in the annual meetings of the Chairs of the human rights treaty bodies, the Chair of the Subcommittee participated in the twenty-ninth meeting, held in New York from 26 to 30 June 2017.

31. The Subcommittee joined the Committee against Torture, the Special Rapporteur on torture and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture in issuing a statement on the occasion of the International Day in Support of Victims of Torture (23 June 2017). The Subcommittee continued to cooperate systematically with other mechanisms, including by transmitting to the Committee against Torture suggestions for it to consider concerning States parties to the Optional Protocol, the reports of which are to be considered at forthcoming sessions of the Committee.

32. The Subcommittee continued its cooperation with the Office of the United Nations High Commissioner for Refugees, particularly in the context of its field visits.

2. Cooperation with other relevant international organizations

33. The Subcommittee continued its cooperation with the International Committee of the Red Cross, particularly in the context of its field visits.

B. Regional cooperation

34. The Subcommittee continued its cooperation with regional organizations, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Subcommittee also met with representatives of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the Directorate-General for Justice and Consumers at the European Commission and the Organisation international de la Francophonie through its regional teams.

C. Civil society

35. The Subcommittee continued to benefit from the support of civil society, including the Association for the Prevention of Torture and a number of academic institutions. It has also benefited from its contact with civil society organizations during visits and thanks them all for their work in promoting and supporting the Optional Protocol. The Subcommittee would like to offer particular thanks to Royal Holloway, University of London, and the Human Rights Implementation Centre, University of Bristol, for their support in organizing a reflection on the practical working of the Subcommittee and the Optional Protocol system at Cumberland Lodge in Windsor Great Park, United Kingdom of Great Britain and Northern Ireland, from 14 to 16 March 2017. That opportunity allowed for reflection on themes identified at the tenth anniversary meeting in November 2016, which has proved beneficial in enhancing the working practices of the Subcommittee.

36. During the reporting period, the regional groups of the Subcommittee also held a teleconference with the Ludwig Boltzmann Institute and met with the Hungarian Helsinki Committee, the Maldivian Democracy Network and the Omega Research Foundation during the course of its plenary sessions.

IV. Issues of note arising from the work of the Subcommittee during the period under review

A. Development of working practices

1. Visits

37. As mentioned, the Subcommittee undertook 10 visits in 2017. In a number of cases, it has been necessary to remind States parties that visits are to be undertaken at a time chosen by the Subcommittee, and in the manner provided for under the Optional Protocol. Moreover, regrettably its visit to Rwanda had to be suspended. The Subcommittee is concerned that not all States parties appear to fully appreciate the nature of the mandate of the Subcommittee and how the Optional Protocol is to operate in practice.

38. During the year, the Subcommittee continued its practice of phasing the announcements of those countries it will be visiting, rather than making such announcements by reference to calendar years. That allows the Subcommittee to better plan its use of resources and allows a more flexible and, where appropriate, reflexive approach to its visiting programme, while maximizing the notice given to allow States and others to facilitate visits in a focused, cooperative and collaborative manner.

39. Unfortunately, the levels of resourcing available to the Subcommittee, especially in terms of professional and general staff, have further deteriorated. This not only limits the capacity of the Subcommittee but places an enormous strain on those staff currently working with it. Although General Assembly resolution 68/268 provides for the provision of additional staff to support an increase in the volume of activities of the Subcommittee, the reality is that the current level of staffing is little different to that at the time the resolution was adopted, and the total workload has more than doubled.

40. The Subcommittee therefore urges States parties to consider strengthening the secretariat support base as a matter of urgency, since if the issue is left unaddressed the functioning of the Subcommittee will inevitably begin to decline and its effectiveness will diminish. It is imperative that the level of secretariat support be enhanced to ensure it is commensurate to the workload of the Subcommittee.

2. Working groups

41. The time allocated for Subcommittee working groups during its sessions has been substantially reduced in order to increase the time spent in plenary. While that is partly owing to the need to collectively consider an increasing range of issues, it is also because interpretation facilities have not been available for the working groups. It is clearly inappropriate for members to be unable to participate effectively in Subcommittee work for the lack of interpretation facilities. It is equally inappropriate for the limited time available to the Subcommittee to be spent unprofitably in unnecessary plenary discussion of matters best addressed in functional teams. The Subcommittee will continue to review its use of working groups in the light of the nature of the issues to be considered and the resources made available to it. It is conscious that the effectiveness and efficiency of its work is being hampered by decision-making that is beyond its control and for which those responsible should be held accountable.

42. As a result of the issues noted above, the working group on procedural issues and the working group on jurisprudence and thematic issues have had to be merged into a single working group, with the result that the review of its rules of procedure, consolidation and alignment of working methods, responding to requests for advice and assistance from national preventive mechanisms and the consideration of jurisprudential issues raised with

the Subcommittee or by its work are significantly slower than was previously possible, when the working groups were able to work separately.

43. At the thirty-second session of the Subcommittee, the secretariat submitted a compilation of all the working methods of the Subcommittee in a consolidated document. The working group on procedural issues began considering the compilation and continued its consideration at the thirty-third session. However, due to a lack of meeting time and of available interpretation for the working groups, this work is being continued only informally and in parallel with the other urgent tasks of the working group. This approach will continue to be taken until additional meeting time and proper interpretation resources are allocated to the Subcommittee. This thus delays further the exercise to update the methods of work.

44. The working group on the health aspects of torture prevention has made significant progress in developing a checklist for national preventive mechanisms, which is aimed at providing an overview of relevant health-related issues that may be useful for mechanisms during visits to places of detention. The working group also continued working on the medical resource tool, a compilation of Subcommittee recommendations on health-related issues, based on reports of the Subcommittee following its visits.

45. The working group on the Special Fund has assisted those responsible for the review of applications to the Special Fund and with the promotion of the Special Fund, as recorded previously in the present report.

3. Regional teams

46. The regional teams and the respective country rapporteurs continue to engage with national preventive mechanisms. While the issues to be addressed and the manner in which they are to be addressed will vary from country to country, meetings of heads of regional teams during Subcommittee sessions ensure the application of a common objective yardstick, as does full plenary oversight.

B. Issues of note

47. In exercising its mandate to visit places of detention, the Subcommittee has observed an increase in the practice of detaining migrants as a matter of routine, rather than as an exceptional measure of last resort.

48. The Subcommittee has observed that migrants in detention often do not enjoy their full legal rights to review and to due process, sometimes owing to a lack of access to legal counsel or interpretation services. The Subcommittee also believes that immigration detainees should be entitled, from the outset of their detention, to medical assistance and all due process guarantees. Detention exposes a group of persons who already find themselves in a particularly vulnerable situation at risk of becoming the targets of torture and ill-treatment. While any person who is detained is vulnerable or at risk, some detainees are in situations of particular vulnerability, which is why, in order to address their special needs, the authorities have to take special measures. Among the most vulnerable are children, women, persons with a mental or physical disability, trafficked persons, victims of torture and trauma, stateless persons and lesbian, gay, transgender, bisexual and intersex persons.

49. International law stipulates that restrictions on liberty and the detention of migrants is to be exceptional and in response to a genuine legitimate purpose (for example, in order to protect public order, public health or national security, narrowly understood), and are both legal, non-arbitrary and respectful of human rights and dignity.

50. The requirement of legality necessitates that any restriction, including detention, may be imposed only on the grounds prescribed by law and in accordance with procedures authorized by law. Any form of immigration detention that is not specifically provided for in domestic law, or not carried out in accordance with domestic law, would therefore necessarily be unlawful and impermissible. Of course, domestic law must also be in accordance with international legal obligations.

51. Further, detention measures must be applied in pursuit of a legitimate purpose. In the context of immigration detention, a "legitimate purpose" is the same for asylum seekers and migrants as it is for anyone else: when someone presents a risk of absconding from future legal proceedings or administrative procedures or presents a danger to his or her own security or the security of the public. The irregular entry by asylum seekers and migrants should not in itself be criminalized.

V. Reflections on the year under review

A. Capacity of national preventive mechanisms to work effectively in a preventive manner and the "preventive package"

52. In the light of its experiences over the last year, the Subcommittee considers it appropriate to reiterate the importance of national preventive mechanisms having true functional independence and being able to work with a preventive spirit, identifying potential risks of torture and ill-treatment, highlighting gaps in human rights protection and making recommendations of a practical nature to address matters of concern.

53. The Subcommittee is increasingly aware that even if they have a legal mandate to do so, not all national preventive mechanisms feel able to gain access to all places where people are being or may be deprived of liberty; to all persons deprived of liberty and to all information relevant to the mandate; and to have the right to interview detainees confidentially. Not only must they have the legal mandate to do so, they need the independence to be able to decide to do so, the means to do so and the confidence that they will in practice be capable of doing so.

54. The Subcommittee is of the view that a national preventive mechanism should also be empowered and able to deliver the whole "preventive package", including examining patterns of practices from which risks of torture may arise; advocacy, such as commenting on draft and implementing legislation; providing public education; undertaking capacity-building; and actively engaging with State authorities. The Subcommittee emphasizes that this requires sufficient resourcing; appropriate privileges and immunities; and access to the Subcommittee for advice and assistance.

B. State party obligations

55. The Subcommittee reiterates the need for all States parties to understand the Optional Protocol and ensure that their obligations to the Subcommittee under the Optional Protocol are met. In that regard, it is fundamental that States parties do not, directly or indirectly, actively or otherwise, hinder the Subcommittee in fully carrying out its visiting mandate, in accordance with articles 12 and 14 of the Optional Protocol. That includes, inter alia, the obligation to provide the Subcommittee with all necessary information, including all the documentation that it requests, both prior to and during the visit; the obligation to ensure the Subcommittee has unhindered access to all places under its jurisdiction where people are or may be deprived of their liberty; the opportunity to have private interviews with persons deprived of their liberty and others, including but not limited to guards, officers and professional and managerial staff of the facilities being visited. The Subcommittee has set out those obligations on numerous occasions. It appreciates that it might be helpful for it to explain early and clearly the requirements of the Optional Protocol to those States about to be visited, during the preparatory phase, and it will ensure that this is done.

C. Article 16 (4) of the Optional Protocol

56. If a State party refuses to cooperate with the Subcommittee or fails to provide an enabling environment within which the Subcommittee can fulfil its mandate in accordance

with articles 12 and 14 of the Optional Protocol, article 16 (4) provides a route for this to be formally addressed jointly with the Committee against Torture.

57. It is for the Subcommittee to determine, based on the facts of the situation, whether the State party has failed to cooperate within the meaning of article 16 (4). Where the Subcommittee does make such a determination, which of necessity will have included providing the State party in question with the opportunity to address or rectify the situation, the Subcommittee may seize the Committee against Torture of the situation, in accordance with article 16 (4), so that it may, after the State party has been allowed an opportunity to make its views known, add its voice by either making a public statement on the issue, publishing the report of the Subcommittee, or both.

58. Naturally, the Subcommittee hoped never to have occasion to activate article 16 (4). Nevertheless, during the reporting period the Subcommittee has for the first time explored a country situation with the Committee against Torture within the framework of article 16 (4). The State in question, further to its having made representations to the Committee, subsequently addressed the immediate concerns of the Subcommittee and, by agreeing to make the visit report public, rendered further consideration within the framework of article 16 (4) unnecessary. Naturally, the more general dialogue between the Subcommittee and the State party in question continues.

D. Looking forward

59. In addition to its visiting mandate, the Subcommittee wishes to emphasize the importance it places on offering advice and assistance to States parties, national preventive mechanisms and, upon request, to signatories and others, including other United Nations agencies and mechanisms, concerning the Optional Protocol and prevention of torture.

60. However, there are limits to what can be done, given the limited human and financial resources currently available to the Subcommittee. In particular, at the end of the reporting period, the levels of staffing and the pressure on staff and members, is as acute as it has ever been. As a result, and with great regret, the Subcommittee recognizes that it is not possible to continue its current level of work and will have to undertake fewer visits during the coming period. It is the first time the Subcommittee has had to retrench in this way, and it marks a failure of the international community to properly support the work of preventing torture, which is lamentable.

61. The Subcommittee is committed to its mandate. It will therefore seek to work creatively, as it has done in the past, in order to ensure that its ability to carry out its own preventive visiting, undertake effective dialogue, advise and assist States in the establishment of national preventive mechanisms and support those mechanisms in their vital work. That will include further review and potential revision of current approaches and working practices, including exploring the operational implications of articles 16 (4) and 31 of the Optional Protocol.

E. Plan of work

62. The Subcommittee has already announced visits to Belize, Burundi, Kyrgyzstan, Liberia, Poland, Portugal, Senegal and Uruguay in the coming months. Further announcements will be made following its future sessions.